

Add Article 1, Chapter 14, Division 7, Title 2, California Code of Regulations:

Advance Health Care Directive Registry

Section 22610.1. Definitions.

(a) The following definitions shall apply for purposes of Probate Code sections 4800 and 4801:

(1) “Health care provider” means an individual licensed, certified, or otherwise authorized or permitted by the law of California or of any other jurisdiction to provide health care in the ordinary course of business or practice of a profession who is providing health care to the registrant.

(2) “The public guardian” means a public official of any jurisdiction who is serving in his or her official capacity as the guardian or conservator for the registrant.

(3) “The legal representative of the registrant” means an individual who is either:

(A) serving as the guardian or conservator for the registrant pursuant to an order of a court of any jurisdiction; or

(B) designated in a current written advance health care directive or similar written document registered with the Secretary of State to make health care decisions for the registrant.

(b) The following definition shall apply for purposes of Probate Code section 4801:

(1) “Other authorized persons” means the legal representatives of registrants as defined in Section 22610.1(a)(3) of Article 1, Chapter 14, Division 7, Title 2, California Code of Regulations.

NOTE: Authority cited: Sections 4800(a), 4801, Probate Code.

Reference: Sections 4800(a), 4800(e), and 4801, Probate Code.

Section 22610.2. Registrations.

(a) Any registration of a written advance health care directive with the Secretary of State shall be made by using a form prescribed by the Secretary of State. The form shall be available for downloading on the Secretary of State’s website at <http://www.ss.ca.gov/>. All or any part of the form may be completed by the registrant or by another adult in the registrant’s presence and at the registrant’s direction.

(b) A registrant shall provide the following information on the form:

(1) Whether the form submitted relates to a new registration, an amendment to a prior registration, a revocation of a prior registration or notification regarding an amendment to or revocation of a previously-filed written advance health care directive;

(2) Whether the written advance health care directive or amendment to a previously-filed written advance health care directive is attached to the form or, in the alternative, whether the form provides notification of the intended place of deposit or safekeeping of a written advance health care directive or amendment to a written advance health care directive;

(3) The registrant's name, address, date and place of birth, and the name and telephone number of the agent and any alternative agent;

(4) At least one of the following:

A. The registrant's social security number, or

B. The registrant's driver's license number, or

C. The registrant's individual identifying number established by law.

(5) Intended place of deposit or safekeeping of the written advance health care directive or amendment to the written advance health care directive to which the form relates, if applicable;

(6) The signature and printed name of the registrant;

(7) The date the form is signed by the registrant.

(c) The registrant shall submit the completed form to the address indicated on the form, along with the required fee, if any.

(d) The registration form or the material included with the registration card provided pursuant to Probate Code section 4800(d) shall contain the information required to be provided to registrants pursuant to Probate Code section 4802.

NOTE: Authority cited: Sections 4800(a), 4802, Probate Code.

Reference: Sections 4800(c), 4800(d), 4802(a), 4802(b), 4802(c), Probate Code.

Section 22610.3. Fees.

(a) The fee for registering a written advance health care directive with the Secretary of State is \$10.00 for each registration.

(b) There shall be no fee charged for filing any form amending or revoking a registration or notification that a previously-filed written advance health care directive or similar document has been amended or revoked.

NOTE: Authority cited: Sections 4800(a), 4800(f), Probate Code.
Reference: Sections 4800(d), 4800(f), 4801, Probate Code.

Section 22610.4. Requests for Information.

(a) All requests for information, including requests pursuant to Probate Code section 4717 by an emergency department of a general acute care hospital, shall be in writing and must include all of the following:

(1) The name, address and telephone number of the requestor;

(2) Credible evidence establishing the identity of the requestor. In determining whether the identity of the requestor is established by credible evidence, the Secretary of State may consider requestor's use of business letterhead in making the request, a copy of a driver's license or identification card issued by the California Department of Motor Vehicles, a copy of a United States passport, or copies of other credible identification documents;

(3) A statement by the requestor establishing his or her authority to receive the information requested;

(4) The identity of the individual for whom the information is requested. In establishing the identity of the individual for whom the information is requested, the Secretary of State may consider the presentation by the requestor of any information contained in or on the filed registration form, including a file number, date of birth, place of birth, social security number, driver's license number or other identifying number; and

(5) A statement setting forth the reason the information is needed.

NOTE: Authority cited: Sections 4800(a), 4801, Probate Code.
Reference: Sections 4800(a), 4800(b), 4800(c), and 4801, Probate Code.